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Section II (Remarks)

Claims 1-9 and 30-46 were presented for examination by the Preliminary Amendment submitted January 12, 2006 in this application. In the July 13, 2007 Office Action, Claims 30-37 and 42 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 43-46 were rejected under 35 U.S.C. 102 (b) as being anticipated by Kumar et al. U.S. Patent No. 6,416,471. Claims 1, 2, 5, 6 and 7 were rejected under 35 U.S.C. 102 (e) as being anticipated by Phipps U.S. Patent No. 6,579,231. Claims 1, 3-6, 8, 9, and 30-42 were rejected under 35 U.S.C. 102 (e) as being anticipated by Carlson et al. U.S. PGPub No. 2004/0059205.

By the preceding amendment, claim 1 has been amended to clarify that the area is divided into cells having respective location identifiers. Claim 1 as amended recites "providing a plurality of access stations in a spatial arrangement within the area, thereby dividing the area into the cells." Support for this amendment can be found on page 4, lines 8-19 of the specification.

Claims 2-9 and 31-46 remain unchanged. Claim 30 has been amended in order to clarify that "at least another" record is "a second" record and that "at least one other" person is "a second" person. Support for this amendment can be found on page 15, lines 8-23, page 18, lines 19-25 and page 24, lines 9-16 of the specification.

New claims 47-53 have been added. New claim 47 corresponds to currently amended claim 30 and previously amended claim 36. Further support for the subject matter of new claim 47 is found on page 19, lines 20-26 insert of the specification. New claim 48 corresponds to previously amended claim 42. New claim 49 corresponds to previously amended claim 34. New claim 50 corresponds to previously amended claim 43. Support for the subject matter of new claims 51 and 52 is found on page 20, lines 10-16 of the specification. New claim 53 corresponds to currently amended claim 30.

New claims 54-58 have been added. New claim 54 corresponds to currently amended claim 30 and previously amended claims 34 and 42. Further support for the subject matter of new

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claim is found on page 20, lines 10-16 insert of the specification. New claim 55 corresponds to previously amended claim 43. New claim 56 corresponds to previously amended claim 36. Support for the subject matter of new claim 57 is found on page 20, lines 10-16 of the specification. New claim 58 corresponds to currently amended claim 30.

No new matter (35 U.S.C. 132) has been added. Reconsideration of the claims as amended/added herein is respectfully requested.

Rejections under 35 U.S.C. 112

In the July 13, 2007 Office Action, claims 30-37 and 42 have been rejected under 35 U.S.C. 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the application regards as the invention.

With specific regard to claim 30, the applicant discloses a "first record." In this respect, the Examiner has contended that the term "first" renders the claim indefinite, since it fails to point out what is being claimed. The Examiner also has asserted that it is unclear whether the "record" is one of a plurality of records, for which there is no "second record" disclosed, or if the "record" is created before another event, in a chronological order.

With regard to claims 30-37, the applicant discloses a "first person". In this respect, the Examiner has contended that the term "first" renders the claim indefinite, since there is no "second person" claimed or disclosed. The Examiner also has asserted that it is unclear whether the applicant is claiming multiple persons through the use of the term "first".

By the above-discussed amendments to claim 30, such claim has been clarified to specify that "at least another" record is "a second" record and that "at least one other" person is "a second" person. Support for this amendment can be found on page 15, lines 8-23, page 18, lines 19-25 and page 24, lines 9-16 of the specification.

In view of the foregoing, the Examiner is respectfully requested to withdraw his rejections of claims 30-37 and 42 under 35 U.S.C. 112, second paragraph.

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Rejections under 35 U.S.C. 102

In the July 13, 2007 Office Action, claims 43-46 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Kumar et al. U.S. Patent No. 6,416,471. Claims 1, 2, 5, 6 and 7 have been rejected under 35 U.S.C. 102 (e) as being anticipated by Phipps U.S. Patent No. 6,579,231. Claims 1, 3-6, 8, 9, and 30-42 have been rejected under 35 U.S.C. 102 (e) as being anticipated by Carlson et al. U.S. PGPub No. 2004/0059205.

Applicant respectfully submits that the claimed invention as set forth in the newly amended claims is not anticipated by Kumar et al. U.S. Patent No. 6,416,471, Phipps U.S. Patent No. 6,579,231 and Carlson et al. U.S. PGPub No. 2004/0059205.

Claims 43-46

Previously amended claim 43 recites a physiological parameter measuring device comprising: a transducer; a transmitter; and a processor connected to the transducer and the transmitter, the processor being adapted to control the transducer to at least intermittently measure a physiological parameter of a person and to control the transmitter to transmit a reading corresponding to the measured physiological parameter when it is determined that the reading has deviated from at least a predetermined threshold value. It further recites that the physiological parameter measuring device comprises a housing including: a first portion; a second portion; and a flexible medial portion connected between the first and the second portion, wherein the processor, transmitter and receiver are accommodated within the first housing portion and the transducer is supported on the second housing portion.

Kumar discloses a system and method for monitoring vital signs and capturing data from a patient remotely using radiotelemetry techniques. The system has four separate elements, each with different functions within the system. The four elements are a sensor band, a signal transfer unit, a base station and a remote monitoring station. The sensor band is an adhesive, cordless, disposable sensor band with electrode patches, other sensors, and transmission circuitry for the detection and transmission of vital signs data. The small signal transfer unit can either be worn

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by the patient, e.g., on his or her belt, or positioned nearby. The signal transfer unit receives data from the sensor band, which it then forwards by e.g., radio transmission to a base station that can be located up to 60 meters away.

It is clear from Kumar that the sensor band and the signal transfer unit are separate components, unlike the applicants' invention. Furthermore, there is no disclosure in Kumar of a receiver within the sensor band. There is also no disclosure of a measuring device comprising a housing where the housing comprises a first portion, a second portion and a flexible medial portion connected between the first and second portion. There is also no disclosure in Kumar indicating that the processor, transmitter and receiver are accommodated within the first housing portion and the transducer is supported on the second housing portion.

In view of the foregoing, it is submitted that claim 43 and dependent claims 44-46 thereunder are novel in relation to the Kumar disclosure, and therefore patentable under 35 U.S.C. 102 (b). For such reason, it is requested that the rejection of claims 43-46 be withdrawn.

Claims 1, 2, 5, 6 and 7

Claim 1 recites a method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person. The method comprises: **dividing the area into cells having respective location identifiers by providing a plurality of access stations in a spatial arrangement within the area, thereby dividing the area into the cells;** providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has a physical condition, each device having a device identifier; at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement; associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the respective location identifier of the cell in which, and a time at which the physiological parameter reading is obtained; and storing the associated physiological parameter reading, device identifier, location identifier and time.

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Phipps discloses a portable unit worn by a subject, comprising a medical monitoring device, a data processing module with memory and transmitter for collecting, monitoring, and storing the subject's physiological data and also issuing the subject's medical alarm conditions via wireless communications network to the appropriate location for expeditious dispatch of assistance. The unit also works in conjunction with a central reporting system for long term collection and storage of the subject's physiological data. The unit may have the capability to automatically dispense chemicals that may alleviate or assist in recovery from an illness. The medical monitoring unit typically comprises a personal data unit (PDU) and a monitoring device 16. The PDU continuously monitors a subject's medical data values as it receives them from the medical monitoring device 16 and stores them in its memory. In addition, the PDU 14 constantly receives communication signals from the well-know GPS satellites 24, which is a group of three geostationary satellites used for determining one's geographical location. GPS coordinates are stored in memory in the PDU 14.

In this regard, Phipps uses GPS coordinates to determine one's geographical location and does not divide the area into cells defined by access stations and having respective location identifiers.

Claim 1, and claims 2, 5, 6, and 7 dependent thereunder are patentably differentiated over Phipps. The rejection of claims 2, 5, 6, and 7 under 35 U.S.C. 102 (e) therefore is requested to be withdrawn.

Claims 1, 3-6, 8, 9, and 30-42

Claim 1 recites a method of capturing and monitoring at least one physiological parameter and movement within an area of at least one person. The method comprises: **dividing the area into cells having respective location identifiers by providing a plurality of access stations in a spatial arrangement within the area**, thereby dividing the area into the cells; providing each person with a respective device for measuring at least one physiological parameter of each person, the physiological parameter being indicative of whether the person has

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a physical condition, each device having a device identifier; at least intermittently measuring a physiological parameter of each person using the respective device to obtain a physiological parameter reading for each measurement; associating each of at least a selected number of the physiological parameter readings with the respective device identifier of the device by which, the respective location identifier of the cell in which, and a time at which the physiological parameter reading is obtained; and storing the associated physiological parameter reading, device identifier, location identifier and time.

Amended claim 30 recites a system for capturing and monitoring at least one physiological parameter and movement within an area of at least one person. The system comprises: a remote control unit; and a plurality of access stations provided in a spatial arrangement within the area, thereby **dividing the area into respective cells**, wherein each access station has a respective station identifier, is connected to the control unit and is adapted to receive a physiological parameter reading and a respective device identifier from at least one physiological parameter measuring device attached to a first person, and to transmit the received physiological parameter reading and the device identifier along with its station identifier to the control unit; wherein the physiological parameter reading, device identifier, station identifier and a time at which the physiological parameter reading is obtained by the device are stored in a first record at the control unit, and wherein the control unit is adapted to match a date, time and location identifier of a second record obtained from another respective device of a second person with those in the first record; and to identify the second person to be in physical proximity of the first person if there is a match.

Carlson discloses a configuration for the acquisition and/or monitoring of medically relevant data, in particular of the state of the cardiovascular system, of blood properties as well as electrocardiographic data of a person, for example with cardiovascular disorders or disorders of other organs. The configuration comprises at least one measuring sensor (3, 3') for the acquisition of the circulatory state of the person (1), at least one electrode configuration (2) for the continuous registration and monitoring of the electrocardiographic data of the person, and an EKG measuring system (2), respectively electrodes, for the registration of an EKG in a chest belt (4), as well as additionally an evaluation unit for the detection of irregularities of the data acquired by the measuring sensor or the EKG measuring system, a sending and receiving device

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(5) for voice and/or data in order to address a third party (9) and to transmit data to this third party, as well as a positioning system, by means of which the location of the person is transmitted to the third party. The position system which makes possible the precise location involves a GPS (Global Positioning System) module, by means of which the location is transmitted to the third party. This means that in addition to the data transmission, the position coordinates are also transmitted from the mobile telephone 5 via satellite 6 by means of such GPS system.

In this regard, Carlson uses GPS coordinates to determine one's geographical location and does not divide the area into cells defined by access stations and having respective location identifiers. Carlson contains no mention of any contact tracking function wherein the control unit is adapted to match a date, time and location identifier of a second record obtained from another respective device of a second person with those in the first record; and to identify the second person to be in physical proximity of the first person if there is a match.

Therefore, it is submitted that Claim 1 and its dependent claims 3-6, 8, 9, and amended claim 30 and its dependent claims 31-42, are patentably differentiated over Carlson, and therefore allowable. The rejection of claims 1, 3-6, 8, 9, 30 and 31-42 under 35 U.S.C. 102 (e) is respectfully requested to be withdrawn.

For the reasons set forth above, applicants respectfully submit that the claimed invention as recited in the amended claims is not anticipated by Kumar et al. U.S. Patent No. 6,416,471, Phipps U.S. Patent No. 6,579,231 or Carlson et al. U.S. PGPub No. 2004/0059205.

Fee Payable for Added Claims 47-58.

New claims 47-58 have been added herein, thereby increasing the total number of claims by 12, and increasing the number of independent claims by 2, in relation to the numbers of respective total and independent claims for which payment previously was made.

Accordingly, an added claims fee of \$510.00 (12 additional claims x \$25/claim = \$300; 2 added independent claims x \$105 = \$210) is enclosed by the accompanying Credit Card Payment Form, authorizing charging of such amount of \$510.00 to the credit card identified in such Form.

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Authorization also is hereby given to charge the amount of any deficiency to Deposit Account No. 08-3284 of Intellectual Property/Technology Law.

The newly added claims 47-58 are patentably demarcated over the cited references, and are in form and condition for allowance.

Based on the foregoing, all of Applicants' pending claims 1-9 and 30-58 are patentably distinguished over the art, and in form and condition for allowance. The examiner is requested to favorably consider the foregoing, and to responsively issue a Notice of Allowance. If any issues require further resolution, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



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Enclosures:
Credit Card Form PTO-2038 [1 pg.]

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